



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/161,404	09/28/1998	SHUICHI NAKAMURA	862.2473	7602

5514 7590 06/23/2003

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

PARTON, KEVIN S

ART UNIT PAPER NUMBER

2153

DATE MAILED: 06/23/2003

15

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/161,404

Applicant(s)

NAKAMURA, SHUICHI

Examiner

Kevin Parton

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 39-41 and 47-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 39-41 and 47-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 13.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 04/15/2003 have been fully considered but they are not persuasive. Please see the following reasons and the associated grounds of rejection below.
2. Applicant argues "Girerd is merely seen...allowable over Girerd" (page 11, paragraph 2). The argument is not persuasive because the Girerd et al. (USPN 6,131,067) reference teaches all of the functions as claimed. The claims do not distinctly point out the way in which the user will access the information. The user in the system of Girerd et al. (USPN 6,131,067) receives a graphical display designating the position of a remote element. From this display (which provides identification information) the user can make requests for position information (column 6, lines 14-16). This means that the reference of Girerd et al. (USPN 6,131,067) does teach "transferring, to an output terminal, display information being related to terminal identifying communication information to identify an information generating terminal." Note that in the Girerd et al. (USPN 6,131,067) reference, the information returned shows the current status of an information generating terminal and identification information. The user can then use this identification information to query the element.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 39-41, 47-49, 51, and 52 are rejected under 35 U.S.C. 102(e) as being anticipated by Girerd et al. (USPN 6,131,067).

5. Regarding claim 39 Girerd et al. (USPN 6,131,067) teach a system which outputs information of an information generating terminal to a predetermined output terminal via a network, wherein said information generating terminal comprises:

- a. Sensing means for sensing status information relating to a position of the information generating terminal itself (column 2, lines 19 – 21; column 3, lines 38-40; column 5, lines 30-31).
- b. First transmitting means for transferring the status information sensed by said sensing means to a predetermined server on the network so as to store the status information in storage means of the server (column 5, lines 26-37).
Note that in the reference, the server stores information about the remote objects.

Said server comprises:

- c. Generating means for generating, on the basis of the status information, display information related to terminal identifying communication information identifying the information generating terminal so that the output terminal can directly designate the information generating terminal (column 5, lines 33-37; column 5, line 64 – column 6, line 16).
- d. Second transmitting means for transmitting the display information to the output terminal (column 5, lines 26-37).

Said output terminal comprising;

- e. Communication means for receiving the display information transferred from said server, and for receiving information from said information generating terminal by accessing said information generating terminal using the display information related to the terminal identifying communication information (column 5, line 64 – column 6, line 16).

6. Regarding claim 40 Girerd et al. (USPN 6,131,067) teach all the limitations as applied to claim 39. They further teach means wherein the terminal identifying communication information is address information of the information generating terminal on the network (column 5, lines 26-37). Note that in the reference, the identification of the remote object must be sent. This identification could be called an address on the network, but it must uniquely identify the object.

7. Regarding claim 41, Girerd et al. (USPN 6,131,067) teach a system for outputting information on an information generating terminal to an output terminal via a network, comprising:

- a. Receiving means for receiving status information on said information generating terminal (column 5, lines 30-31).
- b. Generating means for generating display information on the basis of the status information, the display information being related to terminal identifying communication information to identify the information generating terminal (column 5, lines 33-37; column 5, line 64 – column 6, line 16).
- c. Transmission means for transferring, to said output terminal, the display information (column 5, lines 34-37).

Art Unit: 2153

- d. Wherein said output terminal accesses the information generating terminal by referring to the display information related to the terminal identifying communication information (column 5, line 64 – column 6, line 16).

8. Regarding claim 47, Girerd et al. (USPN 6,131,067) teach a system for outputting information on an information generating terminal to an output terminal via a network, with means for:

- a. Receiving status information on a position of said information generating terminal (column 5, lines 30-31).
- b. Generating display information on the basis of the status information, the display information being related to terminal identifying communication information to identify the information generating terminal (column 5, lines 33-37; column 5, line 64 – column 6, line 16).
- c. Transferring, to said output terminal, the display information (column 5, lines 34-37).
- d. Wherein said output terminal accesses the information generating terminal by referring to the display information related to the terminal identifying communication information (column 5, line 64 – column 6, line 16).

9. Regarding claim 48, Girerd et al. (USPN 6,131,067) teach a system for outputting information on an information generating terminal to an output terminal via a network, comprising:

- a. A generating device adapted to generate display information on the basis of the status information, the display information being related to terminal

identifying communication information to identify the information generating terminal (column 5, lines 33-37; column 5, line 64 – column 6, line 16).

- b. A communication device adapted to receive the status information on the information generating terminal, and transmit the display information, generated by the generating device to the output terminal (column 5, lines 30-37).
- c. Wherein said output terminal accesses the information generating terminal by referring to the display information related to the terminal identifying communication information (column 5, line 64 – column 6, line 16).

10. Regarding claims 49 and 52, Girerd et al. (USPN 6,131,067) teach all the limitations as applied to claims 48 and 51, respectively. They further teach means wherein the display information includes geographic map information (column 5, line 64 – column 6, line 16).

11. Regarding claim 51, Girerd et al. (USPN 6,131,067) teach a system to output information on an information generating terminal to an output terminal via a network with means for:

- a. Sensing status information on a position of the information generating terminal (column 2, lines 19 – 21; column 3, lines 38-40; column 5, lines 30-31).
- b. Generating display information on the basis of the status information, the display information being related to terminal identifying communication information to identify the information generating terminal (column 5, lines 33-37; column 5, line 64 – column 6, line 16).

- c. Accessing the information generating terminal by referring to the display information related to the terminal identifying communication information (column 5, line 64 – column 6, line 16).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 50 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Girerd et al. (USPN 6,131,067).

14. Regarding claims 50 and 53, although the system disclosed by Girerd et al. (USPN 6,131,067) (as applied to claims 48 and 51, respectively) shows substantial features of the claimed invention, it fails to disclose means wherein the terminal identifying information includes a URL.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Girerd et al. (USPN 6,131,067).

A person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Girerd et al. (USPN 6,131,067) by employing the use of a URL for terminal reference. This allows the reload function of the Girerd et al. (USPN 6,131,067) reference to be performed with a link on the screen. This benefits the system by allowing for a more intuitive interface for querying the information generating terminals.

Art Unit: 2153

Conclusion

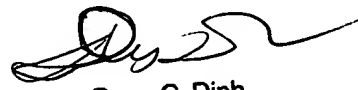
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Parton whose telephone number is (703)306-0543. The examiner can normally be reached on M-F 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703)305-4792. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-9242 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Kevin Parton
Examiner
Art Unit 2153

ksp
June 17, 2003



Dung C. Dinh
Primary Examiner